

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 115 - HB 104

March 4, 2015

SUMMARY OF BILL: In cases pertaining to a nonemergency involuntary admission to inpatient treatment, in which there exists suitable accommodations in a public hospital or treatment resource other than a state facility, requires the presiding court to notify the appropriate state facility prior to committing a defendant. Prohibits any type of insurance carrier from delivering information that directly identifies a patient and relates to his or her physical or mental health. Requires the Commissioner of Health to consult with the Bureau of TennCare, as well as the Tennessee Hospital Association, regarding the contents, early completion requests, or special reports from the joint annual hospital report. Reduces, from 30 to 15 days, the amount of time a TennCare enrollee or applicant has for mailing documentation of any material change affecting any information provided to the Bureau of TennCare on or with the individual's application.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Requiring notification as provided by the court to the regional mental health institute (RMHI) will not significantly increase the work or caseloads of the courts. This provision will not affect the annual number of commitments to, or result in significant work for, the RMHIs.
- Currently, insurance carriers cannot market or sell information that identifies a patient or relates to his or her physical or mental health. Including a prohibition against delivering such information will not significantly affect the regulatory and enforcement procedures of the Department of Commerce and Insurance.
- Currently, the Department of Health has to consult with the Tennessee Hospital Association regarding the joint annual reports submitted by hospitals. Including the Bureau of TennCare in a consultant role will not significantly alter the information included in the reports or timeliness in receiving the reports; therefore, any affect to the work of the Department of Health will not be significant.
- Pursuant to Tenn. Code Ann. § 71-5-110 (c)(1), an enrollee or applicant who intentionally fails to notify the Bureau of TennCare of any material change that would, if properly reported, result in ineligibility or an increase in the amount of any premium or cost sharing commits the offense of theft of services.
- While reducing the amount of time by 15 days the applicant or enrollee is responsible for mailing in such change will add more pressure on the individual, it is estimated that

the reduced time will not significantly affect the TennCare population or TennCare expenditures to provide services.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- The provisions of the bill will not significantly affect any state regulation or oversight of any private businesses; therefore, any impact to commerce and jobs in the state will not be significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly distinguishable.

Jeffrey L. Spalding, Executive Director

/kml